REMARKS

Applicant files this preliminary amendment along with a Request for Continued Examination (RCE). Prior to examination of the RCE, please enter the amendments and conduct an examination based on the claim set listed above. Applicant submits that pending claims 12, 14-18 and 22-25 are in condition for allowance, and notice to that effect is respectfully requested.

I. EXAMINER INTERVIEW

Applicant wishes to thank the Examiner for the telephone interview conducted on May 1, 2008. The applicant and the Examiner discussed independent claims 12 and 22-25. Further, the applicant and the Examiner discussed potential differences between applicant's invention and the prior art references cited in the Final Office Action, namely U.S. Pat. No. 5,667,523 ("Bynon") and U.S. Pat. No. 4,793,348 ("Palmaz").

Applicant requested clarification about the Examiner's use of the term "curved portion" with respect to Bynon in the Final Office Action. In rejecting applicant's pending claims, all of which require that "the short, straight segments at each end of the limb are joined to a short, straight segment of an adjacent limb to form a point of attachment," the Examiner writes "the points of attachment are located *at* the curved portions." (see Final Office Action at page 8; emphasis in original). Confusion arises because the Examiner appears to use the "curved portion" of Bynon as both a segment having curvature within an individual limb, and separately as a "point" of attachment where short straight segments are joined together between adjacent limbs.

During the phone call, the Examiner was initially confused by his own application of the term "curved portion." The Examiner eventually clarified that he was using the term "curved portion" as both a broad segment having curvature, which also includes a "point" somewhere along the segment. Notwithstanding the lingering confusion with the Examiner's rejection, and solely for clarification and to expedite issuance, the applicant proposed various amendments during the call that may capture and clarify differences between applicant's claimed invention and the teachings of Bynon and Palmaz.

First, applicant proposed amending at least one independent claim to reflect that the short, straight segments of adjacent limbs are "pressed together" or "substantially parallel to one another." As an example, applicant made reference to Figures 4A-4D of applicant's specification and explained the differences over Bynon and Palmaz. The Examiner seemed to prefer use of the term "substantially parallel" to describe the relationship of the short, straight segments of adjacent limbs. The Examiner invited claims to be drafted accordingly, although no agreement was reached during the call.

Further, applicant proposed amending at least one independent claim to reflect that the curvature of the curved portions is about 30-60 degrees, not about 90 degrees as taught by Bynon and Palmaz. By having a different curvature of the curved portion, applicant noted that an entirely different stent structure is created, compared to Bynon and Palmaz. The Examiner invited claims to be drafted accordingly, although no agreement was reached during the call.

II. CURRENT AMENDMENTS

A. Independent Claims 12 and 22-24

Solely to expedite issuance of the present application, independent claims 12 and 22-24 have been amended to recite "wherein the short, straight segments of adjacent limbs meeting at the point of attachment are substantially parallel to one another in the expanded state." Support for this amendment may be found in applicant's specification, for example, at least with respect to Figures 2-5 and 8-10 and the associated text. In one particular example, shown in Figure 4A, applicant shows short, straight segments 16 of adjacent limbs meeting at a point of attachment 20, and at this location, the short straight segments 16 are substantially parallel to one another in the expanded state.

In sharp contrast, under the Examiner's repeated interpretation of Bynon, the reference teaches that adjacent "limbs" are attached only at the "curved portions." Further, the so-called "short, straight segments" of adjacent limbs of Bynon are never substantially parallel to one another in an expanded state, as recited by applicant's amended claims 12 and 22-24. As seen in Figure 1 of Bynon, the "curved portion" of Bynon is about 90 degrees. (see the Examiner's marked-up version of Bynon Figure 1, on page 4 of the Final Office Action dated January 11, 2008). Therefore, the adjacent short straight segments of Bynon meeting at this roughly 90-

degree curved "point of attachment" are necessarily substantially orthogonal to one another in an expanded state, as opposed to substantially parallel, as shown in Figure 1 of Bynon. For at least this reason, independent claims 12 and 22-24 are allowable over Bynon.

Similarly, the so-called "short, straight segments" of adjacent limbs of Palmaz are never substantially parallel to one another in an expanded state. As seen in Figure 2 of Palmaz, the "curved portion" of Palmaz is about 90 degrees. (see the Examiner's marked-up version of Palmaz Figure 2, on page 6 of the Final Office Action dated January 11, 2008). Therefore, the adjacent short straight segments of Palmaz meeting at this roughly 90-degree curved "point of attachment" are necessarily substantially orthogonal to one another in an expanded state, as opposed to substantially parallel, as shown in Figure 2 of Palmaz. For at least this reason, independent claims 12 and 22-24 are allowable over Palmaz.

B. Independent Claim 25

Independent claim 25 has been amended to recite "wherein the two curved portions comprise curvatures in the range of about 30 to about 60 degrees when in the expanded state." Support for this amendment may be found in applicant's specification, for example, at least with respect to Figures 1-4 and 8-10 and the associated text. In one particular example, shown in Figure 4A, applicants show "curves 12 and 14" having opposite directions of curvature in the range of about 30-60 degrees in the expanded state.

In sharp contrast, Bynon teaches "curved portions" that are about 90 degrees in an expanded state. (see the Examiner's marked-up version of Bynon Figure 1, on page 4 of the Final Office Action dated January 11, 2008). Since Bynon's curved portions are about 90 degrees in an expanded state, an entirely different limb and stent structure is formed. In sum, Bynon neither teaches nor suggests applicant's invention of claim 25, "wherein the two curved portions comprise curvatures in the range of about 30 to about 60 degrees when in the expanded state." For at least this reason, independent claim 25 is allowable over Bynon.

Similarly, Palmaz teaches "curved portions" that are about 90 degrees in an expanded state. (see the Examiner's marked-up version of Palmaz Figure 2, on page 6 of the Final Office Action dated January 11, 2008). Since Palmaz's curved portions are about 90 degrees in an expanded state, an entirely different limb and stent structure is formed. In sum, Palmaz neither

teaches nor suggests applicant's invention of claim 25, wherein the "curved portions comprise opposite directions of curvature in the range of about 30 to about 60 degrees when in an expanded state." For at least this reason, independent claim 25 is allowable over Palmaz.

III. REJECTIONS TO DEPENDENT CLAIMS 14-18

Since dependent claims 14-18 depend from independent claim 12, they are allowable for at least the reasons set forth above. Therefore, applicant respectfully requests that the rejections to claims 14-18 be withdrawn.

CONCLUSION

Applicants submit that all of pending claims 12, 14-18 and 22-25 are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to contact the undersigned attorney if such communication would expedite the prosecution of this application.

Respectfully submitted,

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